

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: ) Box PCT  
MONTERO JULIAN et al ) Examiner:  
Appln. No.: 09/787,006 ) Washington, D.C.  
IA No. PCT/FR99/02145 ) June 12, 2001  
IA Filed: 09 September 1999 )  
For: METHOD FOR DETECTING OR ) Atty. Docket: JULIAN-1  
QUANTIFYING BASOPHILS AND )  
EOSINOPHILS

**RESPONSE TO NOTIFICATION TO COMPLY WITH  
SEQUENCE LISTING REQUIREMENTS**

Honorable Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the Notification to Comply with Sequence Listing Requirements dated April 13, 2001, applicants advise that the application does not contain any sequences and, thus, a sequence listing and compliance with the sequence rules are not required.

If the examiner has any questions or comments concerning the above described application, the examiner is urged to contact the undersigned at the phone number below.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.  
Attorneys for Applicant(s)

By

\_\_\_\_\_  
ALLEN C. YUN  
Registration No. 37,971

ACY:al

Telephone No.: (202) 628-5197  
Facsimile No.: (202) 737-3528

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## UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT  
United States Patent and Trademark Office  
Washington, D.C. 20231  
www.uspto.gov

U.S. APPLICATION NO.		FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/787006		MONTERO JULIAN	F JULIAN 1
<i>DOCKETED MSJ 1356 SEQ 2601</i>		INTERNATIONAL APPLICATION NO.	
		PCT/FR99/02145	
		I.A. FILING DATE	PRIORITY DATE
		09 SEP 99	10 SEP 98

DATE MAILED: **13 APR 2001****NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as  a Designated Office (37 CFR 1.494)  an Elected Office (37 CFR 1.495):
  - U.S. Basic National Fee.  Indication of Small Entity Status.
  - Copy of the international application.  Translation of the international application into English.
  - Oath or Declaration of inventors(s).  Translation of Article 19 amendments into English.
  - Copy of Article 19 amendments.  Other:
  - Priority Document.
  - The International Preliminary Examination Report in English and its Annexes, if any.
  - Translation of Annexes to the International Preliminary Examination Report into English.
2.  Applicant has requested early processing under 35 U.S.C. 371(f) but has not filed the following indicated items and/or the indicated items in paragraph 3 below. The Basic National Fee and the copy of the international application must be filed prior to 20 or 30 months from the priority date to avoid abandonment.
  - U.S. Basic National Fee.  Copy of the international application.
3. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:
  - a. Translation of the application into English. A processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
  - The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
  - b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
  - c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), properly identifying the application (preferably by the International application number and international filing date). A surcharge will be required if submitted later than the appropriate 20 or 30 months from the priority date.
  - The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
  - d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).
4. Additional claim fees of \$ \_\_\_\_\_ as a  large entity  small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.
5.  Applicant has not submitted the required sequence listing pursuant to 37 CFR 1.821-1.825. See attached PCT/DO/EO/920.

**ALL OF THE ITEMS SET FORTH IN 3(a)-3(d), 4 AND 5 ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 22 OR 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

6. If box 3a or 3c is checked, a translation of the Annexes **MUST** be submitted no later than the time period set above or the Annexes will be cancelled. A processing fee will be required if submitted later than 20 or 30 months from the priority date.
7.  The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

*A copy of this notice **MUST** be returned with this response.*

Enclosed:  PCT/DO/EO/917  Notice of Defective Translation  
 PTO-875  PCT/DO/EO/920

Barbara A. Campbell

Telephone: 703-305-3631

FORM PCT/DO/EO/905 (March 2001)

RECORDED & INDEXED  
16200



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT  
United States Patent and Trademark Office  
Washington, D.C. 20231  
www.uspto.gov

U.S. APPLICATION NO.		FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/787006		MONTERO JULIAN	F JULIAN 1
INTERNATIONAL APPLICATION NO.			
PCT/FR99/02145			
LA. FILING DATE		PRIORITY DATE	
09 SEP 99		10 SEP 98	
13 APR 2001			
DATE MAILED:			

**NOTIFICATION TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS  
CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE  
DISCLOSURES**

Applicant has submitted papers under 35 U.S.C. 371 to enter the national stage in the United States of America. The items indicated below, however, are missing. The period within which to correct the deficiency noted below and avoid abandonment is set forth in the accompanying Notification.

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):

- The application fails to comply with the requirements of 37 CFR 1.821-1.825.
- This application does not contain, a "Sequence Listing" as a separate part of the disclosure on paper copy or compact disc, as required by 37 CFR 1.821(c).
- A copy of the "Sequence Listing" in computer readable format has not been submitted as required by 37 CFR 1.821(e).
- A copy of the "Sequence Listing" in computer readable form has been submitted. The content of the computer readable form, however, does not comply with the requirements of 37 CFR 1.822 and/or 1.832, as indicated on the attached marked-up copy of the "Raw Sequence Listing."
- The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CFR 1.825(d).
- The paper copy or compact disc of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 CFR 1.821(e).
- Other: \_\_\_\_\_

**APPLICANT MUST PROVIDE:**

- An initial or substitute computer readable form (CRF) of the "Sequence Listing."
- An initial or substitute paper copy or compact disc of the "Sequence Listing," as well as an amendment directing its entry into the specification.
- A statement that the contents of the paper or compact disc and the computer readable form are the same and, where applicable, include no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b) or 1.825(d).

**FOR QUESTIONS REGARDING COMPLIANCE WITH THESE REQUIREMENTS, PLEASE  
CALL:**

- (703) 308-4216, for Rules interpretation,
- (703) 308-4212, for CRF submission help,
- (703) 287-0200, for PatentIn software help.

Barbara A. Campbell

Telephone: 703-305-3631



533 Sec'd PCT/PTO 10 SEP 2001

Atty's Dkt: JULIAN=1

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: ) Application Division  
MONTERO JULIAN, Felix ) ATTN: PCT  
Serial No.: 09/787,006 ) Washington, D.C.  
IA Filing Date: 09 SEP 1999 ) Confirmation No.  
For: METHOD FOR DETECTING OR... ) September 10, 2001

LATE SUBMISSION OF DECLARATION AND/OR TRANSLATION IN APPLICATION FILED UNDER 35 USC  
§371

HON. COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

Sir:

The present communication is in response to the "NOTIFICATION OF MISSING REQUIREMENTS..." dated April 13, 2001.

[XX] Attached hereto are two executed oaths or declarations in compliance with 37 C.F.R. 1.63, identifying the present application by title, PCT information and priority information.

[ ] Applicant claims small entity status. See CR 1.27.

[ ] Second Preliminary Amendment and Statements in Support of Filing and Submissions in Accordance with 37 C.F.R. §1.821-1.825, Sequence Listing (hardcopy), and computer-readable form of Sequence Listing.

[ ] An Information Disclosure Statement with 1449 and references is also attached.

[ ] An exact English language translation of the PCT application as originally filed.

[XX] A copy of the response to notification to comply with sequence listing requirements. (Original copy was submitted on June 12, 2001).

[XX] Surcharge for late filing of the Declaration was paid on March 12, 2001 (Credit Card Payment).

[ ] Surcharge for late filing of the Declaration in the amount of:

Small Entity      Other than Small Entity  
[ ] \$65.00      [ ] \$130.00

[XX] It is hereby petitioned for an extension of time in accordance with 37 C.F.R. 1.136(a). The appropriate fee required by 37 C.F.R. 1.17 is calculated as shown below:

Small Entity	Other Than Small Entity
Response Filed Within	Response Filed Within
[ ] First - \$ 55.00	[ ] First - \$ 110.00
[ ] Second - \$ 195.00	[ ] Second - \$ 390.00
[ ] Third - \$ 445.00	<u>[XX] Third - \$ 890.00</u>
[ ] Fourth - \$ 695.00	[ ] Fourth - \$ 1,390.00

Month After Time Period Set      Month After Time Period Set

[XX] Conditional Petition for Extension of Time:

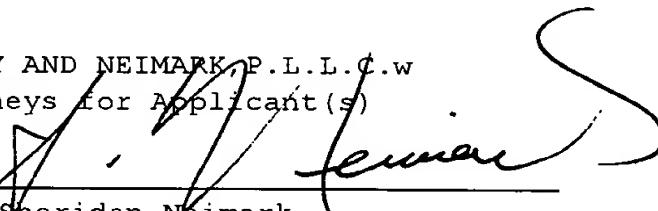
If any extension of time for a response is required, applicant requests that this be considered a petition therefor.

[XX] Credit Card Payment Form, PTO-2038, authorizing payment the amount of \$890.00 enclosed to cover the above fees.

[XX] The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR 1.16 and all patent processing fees under 37 CFR 1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR 1.18.

BROWDY AND NEIMARK, P.L.L.C.  
Attorneys for Applicant(s)

By:

  
Sheridan Neimark

Registration No. 20,520

(202) 628-5197

SN:tw